

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

LeRoy K. Wheeler,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Robyn T. Schmalenberger,	)	Case No. 1:11-cv-079
Patrick Branson, and Leann K.	)	
Bertsch,	)	
	)	
Defendants.	)	

---

The final pretrial conference and trial in the above-entitled action are scheduled for April 30 and May 14, 2013, respectively. However, given Wheeler's pending appeals, his requests for additional time, and defendants' pending Motion Summary Judgment, there is no practical way for the final pretrial conference and trial can proceed as scheduled. Accordingly, the final pretrial conference and trial are cancelled. They shall be rescheduled as necessary once the court has had an opportunity to address the pending appeals, requests, and motions.

**IT IS SO ORDERED.**

Dated this 17th day of April, 2013.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court